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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,550	12/02/2004	Jacobus Johannes Chretien Coumans	NL 020466	8388

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
HINES, ANNE M	

ART UNIT	PAPER NUMBER
2879	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/516,550	COUMANS ET AL.	
	Examiner	Art Unit	
	Anne M. Hines	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 4-6* is/are rejected.

7)☒ Claim(s) *2 and 3* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on June 13, 2006, has been entered and acknowledged by the Examiner.

Claims 1-6 are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wesselink et al. (US 3959682) (of record).

Regarding claims 1 and 4, Wesselink discloses a glass lamp vessel closed in a gastight manner by means of a seal which contains an electric element (Figs. 1 and 2, 1, 2, & 16; Column 3, lines 1-31), current conductors made of molybdenum (Fig. 2, 14; Column 3, lines 1-31), which are partly embedded in the seal and are partly provided with means for protection against oxidation (Fig. 2, 20; Column 3, lines 1-31), characterized in that the means for protection against oxidation, characterized in that the means for protection against oxidation is a chromium-manganese alloy (Column 1, lines 56-61). Note that the phrase "means for protection against oxidation are chosen from the group of materials formed by chromium-manganese, chromium-cobalt,

chromium-iron, and chromium-boron alloys" does not meet the criteria for being examined under 35 U.S.C. § 112, sixth paragraph because the claim specifies the means for protection against oxidation as the alloys of chromium with manganese, cobalt, iron, and boron.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meijer (US 3,105,867) (of record) in view of Leroy et al. (US 3,868,277) (of record).

Regarding claim 1, Meijer teaches a glass lamp vessel which is closed in a gastight manner (Fig. 1; Column 1, lines 61-67) by means of a seal and which contains an electric element (Fig. 1, 3 & 5; Column 1, lines 61-67), current conductors made of molybdenum and connected to said electric element (Column 1, line 69 to Column 2, line 6), which conductors are partly embedded in the seal and are partly provided with means for protection against oxidation and wherein the means for protection against oxidation is chromium, nickel, cobalt, iron, thorium, zirconium, platinum, or silicon (Column 1, lines 27-30). Meijer fails to teach wherein the materials for protection against oxidation are chromium-manganese, chromium-cobalt, chromium-iron, or chromium-boron alloys.

Leroy teaches in the same field of endeavor of oxidation protection materials wherein an oxidation resistant coating material is chromium, nickel, cobalt, a chromium-cobalt alloy, or a chromium-iron alloy (Column 1, lines 17-22) and wherein the chromium-cobalt alloy or chromium-iron alloy is preferred (Column 2, lines 51-55), thus exemplifying recognized equivalent structures of the oxidation resistant coating in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the oxidation-resistant coating of Meijer as either a chromium-cobalt alloy or chromium-iron instead of as taught by Leroy, since the selection of any of these known equivalents would be considered within the level of ordinary skill in the art as evidenced by Leroy's teaching.

Regarding claims 5 and 6, Meijer further discloses wherein oxidation protection coating layer has a layer thickness of at least 1 μm and at most 6 μm (Fig. 2; Column 2, lines 1-6 and lines 32-40).

Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed June 13, 2006 have been fully considered. The arguments with regard to claims 2 and 3 are persuasive. The arguments with regard to claims 1, 4, 5 are not persuasive.

Regarding claim 1, applicant argues that Leroy is not in the same field of endeavor as Meijer because Leroy teaches an oxidation coating for steel, which is a different material than Meijer, and a different environment than Meijer.

The Examiner respectfully disagrees. The Examiner considers Leroy to be in the same field of endeavor of oxidation-resistant coatings for oxidation susceptible transition metals. Since both Meijer and Leroy teach oxidation-resistant coatings for oxidation susceptible transition metals, both Meijer and Leroy are in the same field of endeavor of oxidation-resistant coatings. More specifically, Meijer teaches wherein the molybdenum current conductors are protected from oxidation, and also states that it is "known for wire-shaped conductors sealed into glass to be protected against oxidation by means of a layer of chromium, nickel, cobalt, iron, thorium, zirconium, platinum, silicon, etc. provided on the wire" (Column 1, lines 27-30). Similarly, Leroy teaches forming an oxidation-resistant coating on a steel wire consisting of "one or more of the metals Cr, Ni, Co, Mo, or an alloy of two or more of these metals with one another or an alloy of one or more of these metals with iron or with other elements" (Column 1, lines 4-16). Leroy further teaches wherein chromium-nickel and chromium-iron are preferred oxidation-resistant coatings (Column 2, lines 51-55). Steel is an alloy whose main component is iron, a transition metal like molybdenum. Both Meijer and Leroy teach chromium, nickel, and cobalt as suitable oxidation-resistant coatings, and Leroy further

teaches that alloys of these metals are preferred oxidation-resistant coatings. Further, one of ordinary skill in the art would be motivated to provide an oxidation-resistant coating on the current conductors, as taught by Meijer, and a reasonable expectation of success since Meijer and Leroy both teach chromium and cobalt, for example, as suitable oxidation-resistant coatings for wire, and Leroy teaches as additionally suitable, and preferable, the alloy of these metals.

Regarding claim 1, applicant further argues that a skilled artisan would not consider the teachings of Leroy to fall within the same field of endeavor since Leroy's teachings comprise the corrosion resistance of steel in an aqueous medium.

The Examiner respectfully disagrees. Although, Leroy teaches that the oxidation-resistant coatings provide both oxidation resistance and corrosion resistance, the corrosion resistance property being applicable in an aqueous environment. However, recognizing another advantage of the coating does not prevent one of ordinary skill in the art from applying Leroy's teaching of oxidation-resistant coatings to surfaces with an already recognized need for an oxidation-resistant coating.

Regarding claim 1, applicant further argues that neither Meijer nor Leroy teach boron as a component for the oxidation-resistant alloy.

The Examiner respectfully disagrees. Claim 1 does not require that the oxidation-resistant alloy contain boron, only that it may contain boron. A disclosure of any of an oxidation-resistant coating of chromium-manganese, chromium-cobalt, chromium-nickel, and chromium-boron alloys is considered to be prior art within the scope of claim 1.

Regarding claim 5, applicant argues that Meijer's disclosure of an intermediate layer from 1 to 8 μm and an outer layer of 0.5 to 4 μm is different from applicant's claim of an oxidation-resistant layer with a thickness of 1 to 6 μm.

The Examiner respectfully disagrees. Meijer's disclosed total oxidation-resistant layer thickness (intermediate and outer thickness combined) falls within the range of thicknesses for the oxidation-resistant layer required by claim 5. Any disclosure of a thickness within the claimed range of thicknesses is considered a prior art disclosure of the claimed invention, the reference need not disclose every value within the range, only a single value within the range to qualify as a prior art disclosure of the claimed range of thicknesses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne M. Hines whose telephone number is (571) 272-2285. The examiner can normally be reached on Monday through Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anne M Hines
Patent Examiner
Art Unit 2879

AMH 8/17/06

MARICELI SANTIAGO
PRIMARY EXAMINER